

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1, 2, 4, 7 and 10-13 are pending in the application, with claims 1 and 10 being the independent claims. Claims 1 and 10 have been amended to more clearly point out and distinctly claim the subject matter of the present invention. Descriptive support for the amendment is found in the specification as filed. The amendment introduces no new matter and its entry is respectfully requested.

Claims 1, 2, 4, 7 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,197,819 to Hughes ("Hughes") in view of U.S. Patent No. 5,082,231 to Knowles ("Knowles"). The Applicants would like to thank the Examiner for the interview on October 2, 2007. The claims have been amended to incorporate the changes suggested by the Examiner during the interview. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and they be withdrawn.

The Claims are Patentable over Hughes in view of Knowles

Claims 1, 2, 4, 7 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hughes in view of Knowles. For the following reasons, this rejection is respectfully traversed.

As discussed during the interview, the Applicants respectfully assert that the invention disclosed by Hughes is nonanalogous to the subject matter of the claims of the present invention. As discussed in the Applicants' response dated November 21, 2006, a designer of a mounting structure for mounting a sports pole attached to a basketball goal (as recited in claim 1) or a volleyball net (as recited in claim 10) would not look to the art of highway markers in designing such a mounting structure. The weight and bulk of a basketball goal or a volleyball net requires a sports pole and a mounting structure for the sports pole to be strong and sturdy enough to support the goal or net. The base 11 disclosed by Hughes does not meet these requirements because it is

only configured to support a “flexible marker shaft.” *See* col.1, line 50. A flexible shaft such as shaft 29 disclosed by Hughes is not sufficient to support a basketball goal or volleyball net, as recited by the independent claims of the present invention.

Even if Hughes were to disclose a mounting structure for a basketball goal or a volleyball net, Hughes still does not disclose, or even suggest, all of the recitations of the independent claims of the present invention. Upon entry of the foregoing amendment, claims 1 and 10 of the present invention recite “wherein said bracket includes a first protrusion and a second protrusion, the first protrusion and the second protrusion being positioned to receive said support member between the first protrusion and the second protrusion and from below said bracket.” The Examiner asserts that Hughes discloses a bracket 61 having “first and second protrusions (83) positioned to receive the support member [41] therebetween.” (Office Action at p.2.) However, as agreed to by the Examiner during the interview, Hughes clearly fails to disclose that locking wedges 61 receive mandrel 41 between locking pins 83 and from below the locking wedges 61, as recited in the independent claims. In fact, Hughes fails to disclose, or even suggest, that locking wedges 61 receive mandrel 41 whatsoever. Rather, “[t]he lower end of flexible element 27 has an outer perimeter and an opening 51 that closely resembles the shape of mandrel 41, allowing bottom of flexible element 27 to slide over, and conform to, the shape of mandrel 41.” *See* col.2, ll.61-65.

Additionally, claims 1 and 10 of the present invention recite “a ground sleeve . . . configured to be mounted *in the ground* [emphasis added].” As disclosed by Hughes, “the bottom surface 15 [of the base plate 11] is suitable for *attachment to the roadway* either by use of an adhesive or by use of bolts [emphasis added].” Col.2, ll.20-22. Thus, Hughes does not disclose the placement of base plate 11 *in the ground* but, rather, only discloses mounting the base plate 11 *to a roadway*. The Examiner asserts that base plate 11 “is designed to be attached to a roadway and if the portion of the roadway is recessed in the ground, the sleeve will be mounted in the ground.” (Office Action at p.3.) However, even if mounting base plate 11 in a recessed portion of a roadway was discussed or suggested by Hughes, as the Examiner asserts, the base plate 11 would still not be mounted in the ground, as recited by the claims.

Furthermore, there is no disclosure in Knowles of the use of a ground sleeve configured to be mounted in the ground or a bracket having protrusions for receiving a support member

between the protrusions and from below the bracket. Indeed, the Examiner only turns to Knowles for its disclosure that it may be used for supporting a metal post “for athletic devices, such as volleyball nets, basketball backboards, football goalposts, ‘for sale’ signs, and the like.” Col.2, ll.1-5. As such, Knowles fails to cure the deficiencies of Hughes discussed above.

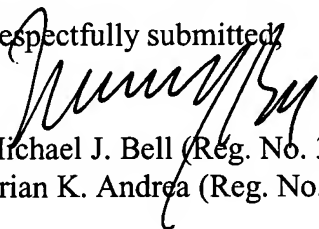
Because Hughes in view of Knowles fails to disclose or suggest the claim recitations discussed above, claims 1 and 10 are allowable over Hughes in view of Knowles. Claims 2, 4, 7 and 11-13 depend from either claim 1 or claim 10 and are also allowable for at least these reasons. Therefore, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. § 103(a).

Conclusion

Applicants respectfully submit that the foregoing remarks demonstrate that entry of these amendments places the present application in condition for allowance, or in the alternative, better form for appeal. All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,



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Date: October 5, 2007

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